ത്തുകാണുന്നു. എത്ര ശതമാനമാണ് പലിശക്കണക്കെന്ന് അറിഞ്ഞാൽ കൊള്ളാം.

MR. M. GOVINDA PILLAI: Interest is the calculated at the rate of 4 per cent.

LEGISLATIVE BUSINESS.

PRESIDENT: The House will now resume consideration of the Factories Bill.

Clause 34.

SRIMATI C. O. PONNAMMA (*Co-opted*): Sir, I beg to move the following amendment:

In Clause 34, proviso, line 2, substitute the words "fifty-four" for the words 'fifty six."

MR. P. K. KUNJU: I second it.

MR. M. L. JANARDHANA PILLAI (*Nominated*): Since clause 34, has been amended with 48 hours per week I would like to know the attitude of Government at this stage?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Legal Remembrancer*): The position of Government is this. The weekly working hours permissible under the Factories Act and Regulations in force in British India and other Indian States is the 54 hour limit. 48 Hours limit is a limit that has been recommended by the International Convention and accepted only by some of the parties to the convention. It has been the unanimous opinion that under Indian conditions, the working hours could not be reduced to anything less than 54. Government are also of that view. As the House has already expressed it opinion on this point when clause 34 came up for discussion, Government now think of taking such measures as would be deemed expedient when the appropriate occasion comes. Until that time, the other clauses in the Bill will have to be dealt with in the order in which they come up for discussion. On this point, Government are of the view that 48 hours limit cannot be enacted into law so far as the Factories Bill is concerned At any rate Government are definitely of the opinion that it is not for the good of the country that such an enactment should be passed.

I have already pointed out that labour legislation is not peculiar to Travancore. But if it is enacted, it should be on a par with legislation obtaining in the surrounding districts and there should be no deviation from that.

MR. K. G. KUNJUKRISHNA PILLAI (*Neyyattinkara cum Trivandrum*): On a point of order. In my copy of the Bill there is no clause called 34.

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MR. PUTHUPALLI S. KRISHNA PILLAI: The member is not having a copy of the Bill as revised by the Select Committee. To me it appears that the member is having a copy of the Bill as published in the Government Gazette. In the copy of the Bill published in the Government Gazette there are two clauses having the No. 35. Clause 35 which occurs first in the Bill is to be numbered as clause 34 as revised by the Select Committee.

MR. K. G. KUNJUKRISHNA PILLAI: Whatever that may be, there is no clause 34 in my copy of the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: I was telling the House that this legislation is unlike any other piece of legislation. By its operation, any particular class of people will not be affected. The provisions of the Bill will affect not only the interests of this State but also the interests of other States. Therefore it is that I pointed out yesterday that legislation in respect of the Factories should be uniform. Now I am authorised to say today that it is not in the interests of Travancore that we should adopt a 48 hour limit so far as labour is concerned. The one inevitable result of such an amendment would be to induce the existing industry to leave the State altogether and prevent further developments in future. It will not allow new industries to come into existence in the State. In that respect, by the acceptance of this 48 hour limit, it will considerably affect the interests of labour, it will affect the prosperity of the State as well. Government would not be in a position to be a party to such a legislation. That is the position of Government in regard to the amendment passed. And that does not in any way prevent the House from going on with the other clauses of the Bill.

PRESIDENT: What does the member say in regard to amendment No. 57?

MR. PUTHUPALLI S. KRISHNA PILLAI: No reasons have been stated by the mover as to why this 56 hours should be altered to 54 hours. Under the first portion of the clause it may kindly be noticed that the House has accepted the 48 hour limit. But its proviso says that a worker in a non-seasonal factory engaged in work, which for technical reasons must be continuous throughout the day, may work for fifty-six hours in any week. It says that fifty six hours must be adopted as the maximum limit. Let us see what such factories are. Take the Power House and the Water Works for illustrations. For technical reasons, such institutions must be working continuously throughout the day and night. They are public utility works and there must be ample provision made for the proper utilisation of the services of labour for particular emergencies. If we are to stick to the 48 hour limit, the manager of a private factory will not be in a position to engage the services of the labourer for any single hour more than the stipulated period. That means, the factory work will suffer.

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If it is in the case of an ordinary factory it does not matter. It is the employer that loses. Some portion of the work may not be carried on. But, take the case of the Power House where the work is being carried on by shifts. Suppose the shift does not arrive for one or two hours owing to an accident on the way. What has the manager to do? It is not enough if an ordinary man who walks along the road is put in his place. A person who is acquainted with the work must be put in charge of the work. It is for this purpose that in the case of a factory which for technical reasons must continue to work throughout the day a longer period is permitted. Therefore this proviso should not be interfered with.

MR. K. KESAVAN (*Karunagapalli* cum *Karthigapally*): ഈ ൨൦ എന്ന ദേഭഗതി അനുവദിക്കുന്നപക്ഷം ടെക്നിക്കലായ സംഗതികളിൽ വല്ല കുഴപ്പവുമുണ്ടാകുമോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: There is what is called a standard of reasonableness for everything. You may ask why it should be 20. As I said it is fixed at 20 for some reason. One particular member may ask why not the number 10. There are sufficient reasons for not fixing it at the particular number. Possible contingencies that might arise should be dealt with and the people will not be allowed to suffer. It is after a careful study that a provision like this has been put in.

(At this stage the President left the Hall and the Deputy President took the Chair.)

It is not a haphazard number that is fixed upon. It is not haphazard as mentioned in any other member's motion. It is a standard fixed after careful investigation. It is a standard which has been adopted for years by factories which employ thousands and thousands more of employers than we do employ in Travancore.

MR. K. KESAVAN: ഈ സ്റ്റാൻഡാർഡ് എവിടെയുള്ളതാണ്?.

MR. PUTHUPALLI S. KRISHNA PILLAI: In British India, in Cochin and in Mysore.

MR. K. KESAVAN: ഇതിനെ സംബന്ധിച്ച തിരുവിതാംകൂറിൽ വല്ല അന്വേഷണവും നടത്തിയിട്ടുണ്ടോ?.

MR. PUTHUPALLI S. KRISHNA PILLAI: It has not been possible to make a thorough investigation as was done in British India and in this Government did not think it necessary to do so, because all the investigations that have been made in British India were available to this Government. They thought that it was a standard which could be adopted for Travancore.

MR. K. KESAVAN: ഈ ബിൽ ഇവിടെ അവതരിപ്പിക്കുന്നതിനുമുൻപായി തിരുവിതാംകൂറിലെ സ്ഥിതിഗതികളെന്തായിരിക്കുമെന്നന്വേഷിച്ചാൽകൊള്ളാമെന്നു തിരുവിതാംകൂർ ഗവണ്മെൻറിനു തോന്നിയിട്ടുണ്ടോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes. It is certainly not like that.

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MR. K. KESAVAN: ഈ നാട്ടിൽ ഇതിനെ സംബന്ധിച്ചറിയേണ്ട ആവശ്യമില്ലെന്നാണോ ഗവർമെൻറ വിചാരിക്കുന്നതു്?

MR. PUTHUPALLI S. KRISHNA PILLAI: Certainly not.

MR. K. KESAVAN: നിയമ നിർമാതാക്കൾ നാട്ടിൽ ഒരു നിയമം ഉണ്ടാക്കുമ്പോൾ നാട്ടിലെ സ്ഥിതിഗതികളെക്കുറിച്ചു് അറിയേണ്ടയാവശ്യമില്ലെന്നാണോ വിചാരിക്കുന്നതു്?

MR. PUTHUPALLI S. KRISHNA PILLAI: I have already answered that question. Government are not of that view. During the three years that this Bill was pending before this Legislature, during the long period it was pending with the Select Committee, there was no definite proposal that this Bill should be brought up only after an investigation of the conditions prevailing in Travancore. It was open to the honourable members to convene meetings, to investigate into the affairs and to shape public opinion, but they did not do so. It was after mature consideration that the Select Committee came to the conclusion that a Bill on the lines of the existing British Indian act XXV of 1934 would be amply sufficient for Travancore. If the member is in a position to point out that in any factory which for technical reasons must be continuous throughout the day, a different rule must prevail the House, I am sure, will be prepared to consider it. The House will be prepared to consider any proposition or any definite statement of facts that is made by any honourable member of the House.

There are some factories which for technical reasons have to continue to work throughout the day. I pointed out instances of such factories. I did not mention the case of a coir factory, a cashewnut factory or anything about a pumping installation for pumping out water. Let us take the case of the Water Works. It is a factory. It is a place where continuous work has to be carried on not only throughout the day but during night also. It is not any kind of labour that could be used there. It is not a case of carrying loads from one place to another, or from one part of the factory to another. It is not enough if the factory owner employs anybody. The system of shift may not be intended upon in such kinds of works. But that is not the case with factories similar to the one that I have mentioned. I would like to emphasise the word 'technical'. You will find that 97 per cent. of the factories will come within the category of ordinary factories. I do not understand why my friend is not prepared to accept the provision contained in the Bill in the case of 3 per cent. factories which carry on public utility services and which carry on continuous work for certain definite purposes. If the provisions in the Bill with regard to this matter are interfered with, it is not only the individuals that would be suffering, not only the labourer or the employer, but a much larger class of people who have nothing to do with the industry. Therefore it is that I said that no further reduction should be made with regard to that. It will include only a very small percentage of factories that for technical reasons would have to be run throughout the day.

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MR. K. KESAVAN: വാട്ടർ വർക്സിൽ ഒരു ദിവസം പകൽ ജോലി ചെയ്യുന്നവർ അന്നേദിവസംതന്നെ രാത്രിയിലും ജോലിചെയ്യുന്നുണ്ടോ?.

MR. PUTHUPALLY S. KRISHNA PILLAI: They cannot exceed the number 48 or 54 or any other maximum fixed under the rules except when they fall under clause 43 which provides for urgency. Here the limit should not go below 56. The other cases are provided in clause 54. I cannot understand what further difficulty the member feels on this point.

MR. K. KESAVAN: ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ ആളുകളും അവിടത്തെ ജോലികളും ഇവിടത്തെ ആളുകളും ഇവിടത്തെ ജോലികളും തുല്യമായിട്ടു തോന്നുന്നുണ്ടോ?.

MR. PUTHUPALLY S. KRISHNA PILLAI: At any rate, my friend will concede that there cannot be much difference between Cochin and Travancore. If the 54 hour is good for the Cochin people, is it right on my part to say that it must not be good for the people of Travancore also ?

MR. K. KESAVAN: കൊച്ചിക്കാർ സ്വീകരിച്ചിട്ടുള്ളതെല്ലാം ഇവിടെ സ്വീകരിക്കുന്നുണ്ടോ?.

MR. PUTHUPALLY S. KRISHNA PILLAI: To the extent to which we can accept.

MR. P. KUNJUKRISHNAN: May I know whether any enquiry was conducted in Cochin before enacting such a legislation there ?

MR. PUTHUPALLY S. KRISHNA PILLAI: They adopted the provisions contained in the British Indian Act. They were convinced that it will not be advisable to make any alteration in the working hours or any other provisions contained in the Factories Act of British India. It is their opinion that it is not in the interest of their concerns.

MR. P. KUNJUKRISHNAN: May I know whether it is not necessary to conduct a thorough investigation before enacting a legislation like this ?

MR. PUTHUPALLI S. KRISHNA PILLAI: If the honourable member wants that the consideration of this matter must be postponed and that further enquiries should be conducted, it is open to him to move such a motion when the occasion arises.

MR. M. SIVATANU PILLAI: May I know whether many of the tea factories in Travancore employ a large number of labourers from Tamil Districts ?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes.

MR. K. T. THOMAS: In supporting the amendment before the House, I want to make a few observations with particular reference to the observations made by honourable the Legal Remembrancer. A reading of clause 34 would show that in the case of non-seasonal factories the hours of work stipulated is 48. It was 54 before the amendment

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[Mr. K. T. Thomas.]

was accepted by the House. It was when 56 hours put down as the standard for non-seasonal factories that it was thought necessary in the proviso to the clause to fix 54 hours as the standard. We have accepted an amendment of changing 54 into 48. To me it appears that as consequential the 56 should have been somewhere about 50. But finding that the only amendment before the House is 54, I have great pleasure to support it. After all, all these arguments is in respect of 20 minutes per day. It is 54 or 56 hours in a week. It is a question of 20 minutes per day. The Legal Remembrancer was at pains to draw the attention of the House to factories where dynamoes are used and where shift arrangements are in vouge as novel. I believe that in all factories which has got to attend to pumping, there is the shift arrangement in vogue. Necessarily therefore all that we want is that there should be some latitude provided for meeting a contingency in which the shift has to succeed. The only question is whether a change from 54 to 48 would not necessitate a change from 56 to 54. Therefore it appears that no purpose whuld be served, particularly in view of the amendment that has been accepted by the House by sticking on to 56, and no technical factory is going to suffer for want of that 20 minutes a day. There is another question which the House might consider and that is that the proviso applies to non-seasonal factories only which for technical reasons may work continuously for a day. It provides for the day. A day for us is not 8 hours. I do not see any charm in saying that it is a technical factory and that it has got to run for a day. If the charm is about 8 hours a day necessarily 56 has got to go. We do not know of a day having 8 hours. Therefore that question does not arise. There is the question of British India, Mysore and Cochin having got 56 hours. That does not arise so far as we are concerned particularly in view of the fact that this House after mature consideration has accepted 48 hours a week and thereby has set an example to British India and other Indian States.

MR. PUTHUPALLI S. KRISHNA PILLAI: It is very much regretted that all that I said in my argument was not taken notice of by the honourable member who spoke just now. He has said that in several factories there is the system of shift. I took into consideration the question of shift and my argument was directed upon a contingency that might arise when the shift works. I said that if the shift does not turn up and the man who has been working for 10 hours is not to be relieved, what has to be done. Is it possible for the ordinary wanderer to be called in and put in charge of that work. It is for that purpose that an exception is inserted in clause 34. My argument related to the inability of the shift to turn up owing to accidental causes.

One other argument was with regard to the meaning of the word day. I find on reference to clause I that that word is defined. It means a period of 24 hours beginning at midnight. I think the definition of a word that is given in a previous portion of the Bill will be

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equally applicable to the latter portion of the Bill also. As regards the example of British India and other places, my submission is that we can be of example in various other respects but not at such a heavy sacrifice. The condition of industry in this country is rather deplorable. It is still in its infancy. Much has to be done for fostering it. If large deviations are made it is only a matter of inference that the industry cannot grow in the State. The existing industries would very likely stop work and fresh industries will not be started. The most important thing that I have to point out is that if we limit the working hours by statute, knowing the condition of the industry in our State, it will automatically bring about a reduction in wages. The better opinion appears to be that the existing labour conditions in our country are so poor that the labourer can ill afford to spare a portion of the income that he now gets. An extraordinary reduction of working hours will automatically bring about a too heavy reduction in the wages earned, so far as there is no enactment compelling the employer to fix a particular rate for a particular class of worker. If such a provision is brought into effect it will not be good either for the industry or the labourer. The industrialist may altogether cease to carry on work because he does not stand to gain anything.

Therefore it has been suggested that it must be on a system of gradualness that these factory laws should be brought into effect. Further, it need not necessarily to be treated as a consequential amendment to that which was carried. And, moreover it is necessary that because 54 was reduced to 48, 56 must be reduced to 54.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Sir, on a point of order. According to paragraph 67 of the Legislative Rules I wish to know whether the Legal Remembrancer was in order when he spoke a second time on this motion?

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I may be permitted to point out that it was with the permission of the Chair that I spoke.

DEPUTY PRESIDENT: I rule that the Legal Remembrancer is perfectly in order in replying to the debate for which I gave him permission.

The Amedment was put to the vote of the House and lost.

MR. K. KESAVAN: Sir, I demand a poll.

A poll was taken and the House divided as follows:

AYES—20.

1	Mr. Kottalil P. Abraham	11	Mr. N. Narayana Kurup
2	„ A. J. John	12	„ K. Narayanaperumal Nadar
3	„ K. Kesavan	13	„ K. R. Narayanan
4	„ T. C. Kesava Pillai	14	„ G. P. Nilakanta Pillai
5	„ P. K. Kumaran	15	„ P. J. Sebastian
6	„ Thariathu Kunjithommen	16	„ A. Thanu Pillai
7	„ Sahib Bahadur P. K. Kunju	17	„ K. T. Thomas
8	„ P. Kunjukrishnan	18	„ T. M. Varughese
9	„ M. G. Mathew	19	„ P. Vivekanandam
10	„ P. Nanoo	20	Sry. C. O. Ponnamma

LIBRARY ARCHIVES Kerala Legislative Assembly

NOES—28.

1 Mr. Sahib Bahadur V. Chandamiah	14 Mr. Sahib Bahadur M. K. Mackar Pillai
2 Srimati K. Devaki Antharjanam	15 ,, S. Narayana Pillai
3 Mr. D. Francis	16 Srimati T. Narayani Amma
4 ,, K. George	17 ,, J E. A. Pereira
5 ,, M. L. Janardana Pillai	18 , M. Ramachandra Rao
6 ,, N. John Joseph	19 ,, Codiveetil C. Ramankunju
7 ,, K. C. Karunakaran	20 ,, K. J. Cheriyan
8 ,, T. T. Kesavan Sastri	21 ,, P. Sivarama Pillai
9 ,, Kaviyoor K. K. Kochukunju	22 ,, M. Sivathanu Pillai
10 ,, S. Krishna Aiyar	23 ,, E. Subramonia Aiyar
11 ,, Puthupalli S. Krishna Pillai	24 Dr. C. R. Harler
12 ,, C. Kumara Das	25 Mr. Puliyoor T. P. Velayudhan Pillai
13 ,, K. Madhava Kurup	26 ,, N. Velu Achary
	26 Mrs. Poonnen Lukose
	28 Prof. A. Gopala Menon

NEUTRALS—2

1 Mr. M. Ramiah Pillai	2 Mr. E. P. Varghese

The amendment was declared lost.

The question whether Clause 34 stands part of the Bill was then put to the vote of the House and carried. Clause 34 was added on to the Bill.

Clause 35.

MR. E. P. VARGHESE: Sir, I beg to move that in Clause 35 the following sub-clause may be added at the end:

> "Notwithstanding anything herein before contained none shall be compelled to work on any day which according to the rule or customs of the religion to which the workman belongs is observed as a day of rest from manual labour."

Sir, Section 35 is in regard to the grant of weekly holidays. In that section there are a number of exceptions. This amendment that I have moved is intended to prohibit the compulsion of any person to work on days which, the rules of his religion or custom enjoin him to observe rest. Though Sunday is provided as a day of rest according to Section 35, I find that there is no rule there enabling a person who is bound by the rules of his religion to abstain from manual labour on a particular day. Therefore I thought it necessery that there should be a provision like that which is embodied in my amendment. Moreover, it was brought to my notice from Alleppey the biggest labour centre in the State, that the employers there sometimes compel persons to work on Sundays or other days which by the rules of their religion and custom are to be treated as days of rest. And if they refuse to work they are very soon turned out of their job. If there is pressure of

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work on certain days, say on shipping days, the employers compel their labourers to work on that day even if that happens to be a day on which he is prohibited to do so. If any labourer says that the rules of his religion do not permit him to work on that particular day he will not only lose his pay for that day but lose his employment altogether. This is generally the practice in the major factories in the State. Practically it is a virtual compulsion on the part of the employers. I ask the honourable members to consider that soul is greater than the body and a man should not be compelled to break the rules or the customs of his religion . In this connection I may even quote "what doth it profit a man if he gains the whole world and suffer the loss of his soul."

MR. T. P. VELAYUDHAN PILLAI: May I know from the member that the proviso of his amendment is relevant to the provision in the clause?

MR. E. P. VARGHESE Yes. A number of exceptions are given in the section itself. Although a labourer is entitled to holidays at least once in 10 days the exceptions do not go to the extent I propose in the amendment. It is not simply for holidays, but to enable him to keep the rules of his religion that I have brought forward this amendment.

MR. KOTTALIL P. ABRAHAM: Does the honourable member mean to include only Sundays?

MR. E. P. VARGHESE: No. No. I am not resricting myself to Sundays and confine myself to a particular religion. The provision in my amendment is very clear on that point. It may be Sundays for Chistians, other days for persons who follow different religions.

MR. M. SIVATANU PILLAI: May I know whether the honourable member has got any objection if the employer begins to tempt labourers to come and work on particular days which may be religious days for them.

MR. E. P. VARGHESE: Sir, no labourer can be compelled to work. Tempting is as good as compelling. When am employer is offering more wages, it is as good as compelling him to work,

MR. M. SIVATANU PILLAI: Does the amendment import that situation?

MR. E. P. VARGHESE: My amendment is based on the provisions of Section 35. It serves only as a safeguard to the labourers.

The Amendment fell through as it was not seconded.

The question whether Clause 35 stand part of Bill was then put to the vote of the House and carried. Clause 35 was added on to the Bill.

Clause 36.

SRIMATI C. O. PONNAMMA: Sir, I beg to move that in Clause 36, the word "eight" may be substituted for the word "ten".

LIBRARY ARCHIVES Kerala Legislative Assembly

[Srimati C. O. Ponnamma.]

This house has already amended Section 34 so that no adult worker in a perennial factory shall be allowed to work more than 48 hours in a week. So, my amendment is only a necessary corollary to the previous amendment. All enlightened industrialised countries have accepted the 8 hour day as recommended by the International Labour Convention, and if a worker is allowed to work for a shorter period he can turn out better and efficient work with a concentration of mind and effort. But if you compel him to work for longer hours the quality and quantity of the goods he produces will necessarily be inferior as he will be affected by fatigue of mind and body. If he continues to work with tired limbs that will tell upon his health. Longer hours of work increase the number of accidents and deaths. If industrial countries in the temperate regions have accepted 8 hour day principle for the worker hotter contries like India with an enervating climate and susceptibility to severe tropical diseases should be prepared to accept the 8 hour day principle more readily than the countries in temperate regions. Moreover these workmen form the backbone of the nation and the preservation of thair health is a vital national problem. In our State where the unemployment of the uneducated is a great and insoluble problem the shortening of hours of work will result in giving greater facilities to employ a larger number of workmen. Thereby adopting the 8 hour day system, not only the efficiency of the worker is increased but also a reduction in the number of unemployed is effected.

Then there is another evil which arises out of the compulsion to work for longer hours. Overtime work and over-exertion are likely inducements for the labourers to resort to liquors. Their physical and mental fatigues are assuaged temporarily by the use of intoxicating liquors. The more they drink the greater will be their fatigue and the greater will be their miseries arising from their wants. Therefore I move that no worker shall be allowed to work more than 8 hours a day in a perennial factory. With these words I move my amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the amendment. This motion appears to have been made under a great misapprehension about the potential mischief arising from the retention of this word. This clause has enected that the weekly hour shall not exceed forty-eight except, as we have stated, in factories which, for technical reasons might continue to work throughout the day. Therefore, whatever be the daily limit, we have accepted the principle that it cannot exceed forty-eight hours a week. Next we come to the ten hour limit. That is the daily limit. If the labourer is to work for all the six days in the week, he cannot be made to work for more than eight hours a day. This section lays down that it need not be confined to eight hours, but may be extended to ten hours so that every day, if necessity arises, a labourer might be allowed to work in the factory for two hours more than the average. But he must keep within the weekly limit if it does not fall within the other exceptions. Let us take the case of a labourer who has been allowed to work, say, for ten hours each for three days of the week. It means he has already worked for 30 hours

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and that he has eighteen hours to his credit and three other days for work. He cannot be compelled or allowed to work on an average for more than six days. In the remaining three days, if he still works on the forth day also he will have only eight hours left at his disposal to complete the forty-eight hours. When the weekly hour limit is fixed at forty-eight, circumstances would show that every employer and every labourer would agree to chalking out a definite programme of work for the purpose of working out the forty eight hours. It is only in exceptional cases that this margin might extend. The Bill provides for a small margin of two hours which might be utilised on any occassion which the exigencies of the circumstances might require. That does not in any way interfere with the reduction that we have made. The labourer can still be allowed to work only for forty eight hours. If the labourer cannot be allowed to work for more than eight hours a day all the six days he would have to work so that he might work all the forty eight hours in the week and earn his weekly wages. If he is permitted and if the exingencies of his circustances demanded that he might work ten hours a day, he might have so worked during the first four or five days and so might have earned the six days' work. It is only to make this possible that this margin is given. This margin of two hours work is not obligatory. The period allowed is two hours and it might be availed of. In the practical working of the Regulation there is absolutely no difficulty. Every worker will not be compelled to work all the six days. It will only be convenient to the employer and employee if this margin is retrained in Clause 36. Therefore I oppose the amendment.

Amendment No. 61 was put to vote and lost.

MR. K. KESAVAN: Sir, I beg to move that in "clause 36, proviso substitute the word nine for the word eleven."

ഈ ഭേഗതി നമ്പർ മത്തെ വകുപ്പ് ഭേഗതിചെയ്യപ്പെട്ടതിനു വളരെ അനുയോജ്യമായിരിക്കുന്നതുകൊണ്ടു ഞാൻ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose this amendment for the same reasons which I have advanced in connection with the first amendment *viz.*, amendment No. 61. After all it does not work any hardship on the labourer. It is true that the ten hour limit is given. But the ten hour limit will have to be worked within the forty-eight hour limit for the week so that it is not going to hamper the progress of labour. On the other hand, it will only enable a more harmonious working of the provision contained in clause 34. It is for the same purpose that a wide margin is retained for the daily working hour. A ten hour period, when compared with the existing twelve or thirteen or fourteen hours in textile factories, I submit, will be a very great advance. But in any way this ten hour average in perannial factories and eleven hour limit in seasonal factories cannot be worked out throughout the week. Necessarily it will lessen

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Puthupalli S. Krishna Pillai.]

the number of days in the week on which a labourer can be allowed to work. It will bring automatic distribution of the working hours available for a labourer. This reduction, sought to be brought by the amendment, I submit, does not carry with it much force or conviction Why should it be to nine hours. Why should it not be retained at ten, so that in appropriate cases, the labourer might set apart a day for a contingency of illness. For persons who are not labourers themselves, to say that it must be restricted and reduced within reasonable limit, is quite possible. After fixing the weekly hour, my submission is that there cannot be or need not be any worry about this daily hour limit to ten. Ten is after all a decent limit. My submission is the amendment cannot be supported,

MR. V. K. VELAYUDHAN (*Ambalapuzha* cum *Shertalla*): May I know whether the ten hours limit had any reference to the total number of hours as fixed in Clause 34 originally ?

MR. PUTHUPALLI S. KRISHNA PILLAI: I tried to find out the matter. The literature that has been made available to me does not lay down that there is any relation between the two. Here we have fixed a forty-eight hour limit. Sunday must be a holiday so that we get for the week six days on an average. The worker will be allowed to work only forty eight hours. If he is allowed to work two hours more on a particular day then it automatically would reduce the daily work on any one of the other days of the other days of the week. The reason why this margin is retained is that it is still based on statistics. Under the existing circumstances, there will be no harm in allowing the worker to work for ten hours. If the physical capacity of the worker will enable him to work for ten hours a day why should we say that it ought to be limitted to eight hours. Why not we give him the choice. It is after all only discretionary. The fourteen hour limit has been taken away from the choice of the employed. He is not allowed to work fourteen hours. But, if he is able why not we give him a margin of two hours a day in addition to the eight hour limit. After all he will get the credit towards the end of the week. If he is compelled to take 2 days' holiday, will it not be to his advantage to allow him this margin. Moreover, this will not in any way compel the workers to work all the six days of the week.

MR. P. KUNJUKRISHNAN: Sir, I wish to point out one particular thing that is to be seriously considered when such legislation is brought into existance. The labour legislation is meant mainly, I hope for improving the condition of the labourers. The former amendment went to the extent of fixing eight hours labour for labourers. That is what we get in western countries and elsewhere, a legitimate and reasonable limit. But it was argued by the Honorable Legal Remembrancer that this is not in keeping with the conditions prevailing here and so it is necessary that we should have the ten hour limit. Now by this amendment a *via media* course is adopted, here, between ten and eight,

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viz., nine, hours. To my mind it appears that this is a very reasonable and just limit in view of the fact that the health of the labourers has to be uppermost in the mind of every person who is interested in the welfare of the country and the people at large ; and particularly in view of the fact that in western countries, countries where we get a very wholesome climate and where people can work without strain for hours together, it is limited to eight hours. Our country has a very hot climate. Here two or three hours strenuous work, nay even one hour's work makes us fatigued mentally and physically, so that we fall easy prey to many hardships. Now when such a state of affairs exists in our country, it is not in the interest of the people concerned, in the interest of the nation's health that we should see that a legislation is brought into being in accordance with the conditions existing here. May I ask this House and my honourable friend the Legal Remembrancer whether it is not just and reasonable that we must reduce that limit at least to nine hours so that our people here, the labourers who form the backbone of the country may have better times. I appeal with all the earnestness that I can command that the limit should be reduced to nine hours. Now these are not matters where intelligence has to be much exerted. These are not matters where arguments have to be extended and stretched. Here we must have our hearts to feel, to feel one with the people, with the labourers who work for a pittance and who toil for making both ends meet. I appeal to this House to consider whether the labourers do not deserve our absolute sympathy and support. With all the warmth of heart and earnestness I can command. I commend this amendment for the acceptance of this House.

DR. C. R. HARLER (*Travancore Planters*) : I rise to oppose the amendment, not because I am against the reduction of working hours, but on account of the effect of the proposed reduction on industrial organisations.

Every time working hours are reduced, industry is upset, and has to adapt itself to the new conditions, and it is more especially upset if the hours are reduced too rapidly.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: We cannot hear the member.

DEPUTY PRESIDENT : Please speak up, Dr. Harler.

DR. C. R. HARLER : The whole problem of the reduction of hours of work with which we are faced to-day in India occurs in Europe. A year or so ago working hours in France were reduced drastically and rapidly. As a result, industry there could not adapt itself sufficiently quickly to the new conditions.

MR. T. C. KESAVA PILLAI: May I know the daily wages of a workman in factory in France and in England ?

DR. C. R. HARLER: I am afraid I cannot answer that question. The point I wish to make is that if you reduce the working hours too rapidly, you will upset industry. In France they had to abandon the forty-hour week and go back to the 44 and even 48 hours. If we

LIBRARY ARCHIVES Kerala Legislative Assembly

[Dr. C. R. Harler.]
advance too rapidly in India, I am afraid we may so disturb, industry that the gains made by labour may have to be relinquished. On that ground, Sir, I oppose this motion.

The amendment was put to the vote of the House and declared lost.

SRIMATI C. O. PONNAMMA: I beg to move –

In Clause 36, proviso substitute the word "ten" for the word "elevan."

The amendment fell through for want of a seconder.

The question Clause 36 do stand part of the Bill was put and carried and the clause was added to the Bill.

MR. K. KESAVAN: I move. –

In clause 37 sub-clause (*a*) line 1 substitute the words "five hours" for the words "six hours" and in line 2 substitute the words "five hours" for the words "six hours."

ഈ ബില്ലിലെ വ്യവസ്ഥയനുസരിച്ച് ഫാക്ടറികളിൽ ഈ മണിക്കൂർ തുടർച്ചയായി വേല ചെയ്യുന്നതിനു ശാസിച്ചിരിക്കുന്നു. ഇപ്പോഴത്തെ സ്ഥിതിഗതികളും നോക്കുമ്പോൾ ഇതു വളരെ വിഷമകരമായിട്ടുള്ളതാണു. അതിനാൽ ഇപ്രകാരം ഒരു ഭേദഗതി വരുത്തുന്നതു യുക്തമായിരിക്കുമെന്നു തോന്നുന്നു.

MR. K. T. THOMAS. I second it.

MR. PUTHUPALLY S. KRISHNA PILLAI: I oppose the amendment, Sir. All that this section deals with is the mode of arranging the periods of work and rest of adult workers in a Factory during each day. It lays down that they shall be so fixed, that no period shall exceed six hours without providing for an interval of rest of atleast one hour or that no period shall exceed five hours before he has had an interval of rest of atleast half an hour and that no period of eight and a half hour's shall be fixed without atleast two such intervals of rest. If he continuously works for six hours he is entitled to get one hour's rest; or if he works for five hours it may provide for a period of half an hours rest. The mover of the amendment now deals with the six hour period. He says it must be reduced to five. The clause only provides for a maximum. It does not deal with the minimum hour within which a worker shall work. It does not say that. No period of work shall exceed six hours. That is all. It may be three hours it may be four, it may be five or it may be anywhere below six.

The next clause also deals only with a similar contingency. It gives a wide margin and says that it shall not exceed that. That does not mean that the employer must strictly conform to that limit and that a worker should be compelled to work for six hours. As I said the questions of labour are entirely in the hands of the labourers themselves and the employers are not in a position to enforce their will on the labourers to any unreasonable limit. The legislature provides for fixing the minima and the maxima and allow the two clauses

LIBRARY ARCHIVES Kerala Legislative Assembly

of people to work out a system which would best suit them for their purposes. It is only that that is provided for. It does not say that the worker must be made to work for six hours before he is given one hour for rest. It is only an enabling provision and I submit no alteration need be made to the clause. It will still have to be worked out as I pointed out, in the average eight-hour limit, four hours in the morning and four hours in the afternoon, or five hours in the morning and three hours in the afternoon or in any other manner which will keep up the rest period. It will automatically work out and it is only in that way that the provision is made. I have therefore to oppose the amendment.

The amendment was put to the vote of the House and declared lost.

The question that clause 37 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clauses 38 to 44

The question that clauses 38 to 44 do stand part of the Bill was put and carried and the clauses were added to the Bill

Clause 45

MR. K. KESAVAN : Sir, I move that

In clause 45' sub-clause (I) (b), substitute the words " 7 A. M. and '5 P. M. " for the words " 6 A. M. and 6 P. M. " .

MR. PUTHUPALLI S. KRISHNA PILLAI : It is not possible to hear the member. He may be asked to speak up,

MR. K. KESAVAN : ര ഉ-ാമത്തെ വകുപ്പ് സ്ത്രീകളെ സംബന്ധിക്കുന്ന ഒന്നാണ്. അതിൽ രാവിലെ ന്യമണിക്കു മുൻപായും വൈകുന്നേരം ന്യമണിക്കു പിൻപായും സ്ത്രീകളെ ജോലിചെയ്യിക്കരുതു എന്ന മാത്രമാണ് വ്യവസ്ഥ ചെയ്തിരിക്കുന്നത്. ഈ വ്യവസ്ഥ ഇരിക്കുന്നിടത്തോളം കാലം രാവിലെ ന്യ മണിക്കുതന്നെ സ്ത്രീകൾ ഫാക്ടറികളിൽ ഹാജരാകുന്നതിനു നിർബന്ധിതരാകാതിരിക്കുകയില്ല. അവക്കു അതിരാവിലെ ന്യ മണിക്കു ഫാക്ടറികളിൽ ഹാജരാകുന്നതിനു വളരെ വിഷമം ഉണ്ട്. ഒരു പക്ഷേ, ഫാക്ടറി കാമ്പൗണ്ടിൽ താമസിക്കുന്നവക്ക് എത്താൻ സാധിച്ചു എന്നുവരാം. സ്ത്രീകൾക്കു പാലു കുടിക്കുന്ന കുഞ്ഞുങ്ങൾ കാണും. പള്ളിക്കൂടത്തിൽപോകുന്ന കുട്ടികൾ കാണും ഇത്താക്കന്മാർ ഉള്ളവരാണെങ്കിൽ അവരുടെ കാര്യവും ഈ കുഞ്ഞുങ്ങളുടെ കാര്യവും അവക്കു നോക്കേണ്ടതായിട്ടുണ്ട്. ഇതെല്ലാം നോക്കി ന്യമണിക്കുതന്നെ ഫാക്ടറിയിൽ പോകണമെന്നുവച്ചാൽ സാധിക്കുകയില്ല. ബഹുമാനപ്പെട്ട നിയമാനുസാരകൻ ബ്രിട്ടീഷ് ഇന്ത്യയിലെ കാര്യം ഇവിടെ പറയുമായിരിക്കാം. അവിടെയുള്ള സ്ത്രീകളും തിരുവിതാം-

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. Kesavan.]

ക്കുറിലെ സ്ത്രീകളും തമ്മിൽ വളരെ വ്യത്യാസമുണ്ട്. നമ്മുടെ സ്ത്രീകളെ ഗണിച്ചുപോരുന്നതു വളരെ ഉന്നതമായ ഒരു നിലയിലാണ്. അവരെ വെളുപ്പാൻകാലത്തു ഫാക്ടറിയിലേക്ക് അയക്കുന്നതു് അത്ര സുരക്ഷിതമായിരിക്കുമെന്ന് എനിക്ക് തോന്നുന്നില്ല. അതു കൊണ്ടുകൂടി ഞാൻ ഒരുമണിക്കൂർ സമയമെങ്കിലും അവരുടെ വീട്ടുകാര്യങ്ങളും കുഞ്ഞുങ്ങളുടെ കാര്യങ്ങളും മറ്റും നോക്കുന്നതിലേക്കായി രാവിലെ കൊടുക്കണമെന്നാണ് എനിക്കു പറയുവാനുള്ളതു്. അതുപോലെ തന്നെ വൈകിട്ടു് ഈ മണിവരെയും സ്ത്രീകളെ ഫാക്ടറികളിൽ നിറുത്തുന്നതിന് ഈ വ്യവസ്ഥയനുസരിച്ച് മുതലാളിമാർ നിർബന്ധിച്ചേക്കും. ഇവർക്ക് വീട്ടിൽ ചെന്നിട്ടു വീട്ടുകാര്യങ്ങൾ പലതും ചെയ്തിക്കാൻ ഉണ്ടാകും. അതുകൊണ്ടു വൈകുന്നേരം അഞ്ചുമണിക്കുതന്നെ ഇവരെ വിടുന്നതിനുള്ള വ്യവസ്ഥ ഉണ്ടാക്കേണ്ടതു് അത്യാവശ്യമാണ്. അതു് അവരുടെ ക്ഷേമരക്ഷയ്ക്കും അപരിത്യാജ്യമായ ഒന്നാകുന്നു. അതിനാൽ ഈ ഭേദഗതി ഈ സഭയുടെ അംഗീകാരത്തിനായി ഞാൻ സമർപ്പിച്ചു കൊള്ളുന്നു.

MR. P. KUNJUKRISHNAN: I Second the amendment.

MR. E. P. VARGHESE: Sir, I support the amendment. I have sent in an amendment which is more or less of the same nature. It is to prevent women being employed in factories or allowed to work in factories from 6 A. M. to 6 P M. In many of the factories there are large numbers of women employed, as for instance in the coir factories in Alleppey and in the factories in other places. The labourers in those factories are drawn from the suburbs from a distance of 3 to 4 miles and if women work from 6 A. M. to 6 P. M. it will be very inconvenient for them to start from their house and to reach the factories by 6 A. M. and it will be also inconvenient for them to reach their homes before dusk if they leave the factories at 6 P. M. At least in the case of women I think the House will have to give them a little more convenience than in the case of men. For a woman to get up at 4 in the morning and prepare meals for her and her children and then walk three or four miles and reach the factory by 6 A. M. is rather a difficult task. I do not think that this House will allow a legislation which will cause such inconvenience especially to the women labourers. Similarly if the women labourers are allowed to work till 6 P. M. it will also be very inconvenient for them to reach their homes before dusk. I do not think much argument is necessary for convincing this House that this inconvenience should be removed. At any rate the women labourers should be enabled to start from their homes only after day break and also to reach their homes before dusk. It may be said that there is no compulsion. But Section 45 (6) says that

LIBRARY ARCHIVES Kerala Legislative Assembly

women can be allowed to work between 6 A. M. and 6 P. M. and the employers may think that they must work between 6 A. M. and 6 P. M. with some interval between and the employers will be quite justified. What is necessary is that the women labourers shall not be compelled by circumstance to leave their homes before day break and reach their homes after dusk. So, I commend this amendment for the acceptance of the House.

MR. KOTTALIL P. ABRAHAM: I also support the amendment. The women labourers require some convenience which is sought to be given by this amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir. I oppose this amendment also for the simple reason that it is not necessary. No woman shall be allowed to work in a factory except between 6 A. M. and 6 P. M.. that is a period of 12 hours is given within which a woman may be employed for work in a factory.

MR. K. T. THOMAS: The clock has struck one and there has not been a ruling from the chair that the discussions shall proceed beyond one.

DEPUTY PRESIDENT: The Chair has discretion to allow the discussions beyond one.

MR. PUTHUPALLI S. KRISHNA PILLAI: The eight-hour limit fixed by Section 34 will in any case come into operation. We have given a span of 12 hours, which is called the spread-over limit. Out of that the employer can choose eight hours as the day's working hours for a female and so arrange the shifts that the work can be carried on for the whole period and the labourer gets four hours out of these 12 hours. It may be so arranged that the woman's factory work commences at 8 o' clock, not even at 7. If it is commenced at 7 it will automatically hove to terminate (unless it falls within any of the exceptions provided for), by four o' clock. Four plus four or eight hours with an interval of one hour. Thus it will come to 9 hours out of the 12 hours between 6 A. M. and 6 P. M. Clearly the worker gets a margin of 3 hours which the employer has to make available for the use of the worker. It should not be supposed that the employer engages these people for the purpose of harassing them or for giving them trouble. Normally three hours will have to be made available for the woman worker and it does not appear how the power can be misused. A person who will have to walk three or four miles will have no doubt to start sufficiently early. But why should we disallow those who live near the factories from starting work at 6 A. M. and leaving the factories at three.

It is only a margin and a margin which might be adapted to suit the Circumstances.

DEPUTY PRESIDENT: The House will now adjourn and meet again at 2 o' clock.

The House adjourned for lunch at 1·5 P. M. and re-assembled at 2·2 P. M.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, there are also other reasons for my not accepting the amendment. Clause 36 lays down the limit of ten hours a day, and that applies both to men and to women workers. The present clause lays down the spread over period within which the section 34 and 36 will have to be enforced. Section 38 lays down that the work of a daily worker in a factory shall be so arranged that together with the interval intended for rest provided for in clause 37, the period of work per diem shall not extend beyond 13 hours on the whole. The principle contained in that section we have already accepted, namely, that the women worker can be allowed to work for ten hours a day and that if the period of rest she is entitled to is also taken into account her daily period of work may go up to eleven hours. Contingencies may arise when she will have to be in the factory for eleven hours. The original clause in the Bill provided for the period of work being spread over 13 hours a day; and it was the Select Committee that reduced it to 12 hours by substituting 6 P. M,. for 7 P. M. As I have already pointed out, we have already accepted clause 37 which says that the number of hours of work per diem may be ten hours; and occasions may arise when it may have to be extended to eleven hours. The present amendment which reduces the number of hours to ten hours a day is not consistent with the provisions contained in the two clauses I have referred to. My friends have no objection to the women workers working ten hours a day; and she is entitled to have at least one hour's rest, so that she can remain in the factory for eleven hours. I cannot feel how, consistent with the provisions which the House has already accepted, this amendment can be accepted.

After all, what is the objection to the present clause? The original clause provided for work between 6 A. M., and 7 P. M., and the Select Committee has limited it to 6 A M. and 6 P. M. Out of these 12 hours, 1 hour she is entitled to by way of rest. There is only 1 hour left as a margin for extraordinary contingencies. This margin is necessary for emergencies. The provision does not say that she shall work for the whole period.

There is also another difficulty in accepting the amendment. In every factory, a few women are employed as sweepers to clean the premises and to clean the outer parts of machinery; and this sweeping and cleaning has to be over before actual work is commenced in the factory, so that these sweepers have to begin their work at least one hour earlier than the other workers. And, invariably these sweepers are women. Therefore, unless men are employed as sweepers and cleaners, we cannot provide that women workers need commence their work only one hour later than the men workers. It is for the House to see whether we should throw this difficulty on women workers by making them not eligible to be appointed as sweepers or cleaners.

MR. P. KUNJUKRISHNAN: May I ask how women workers, like sweepers can start their work earlier than male workers under the present clause which provides that both male and female workers should start work exactly at the same time every day.

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MR. PUTHUPALLI S. KRISHNA PILLAI: Under the present clause, it is open to the factory owners to arrange for three or four women workers coming to the factory about half an hour or fifteen minutes earlier than the time of starting of work by the male workers.

MR. P. KUNJUKRISHNAN: Where is the provision for that?

MR. PUTHUPALLI S. KRISHNA PILLAI: No provision is necessary it is for such contingencies that, besides the one hour for rest and the ten hours for work, a margin of one hour is provided for. I submit that that margin is the irreducible minimum. If that is reduced further it is the female worker that will suffer in practical working. I therefore oppose the amendment.

MR. P. K. KUNJU: ഈ ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു. രാവിലെ ആറു മണിമുതൽ വൈകുന്നേരം ആറുമണിവരെ ഫാക്ടറികളിൽ സ്ത്രീകളെക്കൊണ്ടു ജോലി ചെയ്യിക്കണമെന്നാണു ബില്ലിൽ വ്യവസ്ഥ ചെയ്തിരിക്കുന്നതു്. എന്നാൽ രാവിലെ ഏഴുമണിമുതൽ വൈകുന്നേരം അഞ്ചുമണിവരെമാത്രമേ സ്ത്രീകളെക്കൊണ്ടു ഫാക്ടറികളിൽ ജോലി ചെയ്യിക്കാൻ പാടുള്ളൂ എന്നാണു് ഇവിടെ കൊണ്ടുവന്നിരിക്കുന്ന ഭേദഗതി. സ്ത്രീകളെ സംബന്ധിച്ചു നോക്കിയാൽ ഈ ഭേദഗതിയെ അനുകൂലിക്കാതിരിക്കാൻ യാതൊരു നിവൃത്തിയുമില്ല തിരുവിതാംകൂറിലുള്ള തൊഴിൽശാലകളിൽ ഒട്ടധികം സ്ത്രീകളും നാലും അഞ്ചും മൈൽ അകലെ നിന്നു വന്നു ജോലി ചെയ്യുന്നുണ്ടു്. ബ്രിട്ടീഷിൻ ഡ്യയിലെ നിയമത്തെ അനുകരിച്ചോ മൈസൂർ കൊച്ചി മുതലായ രാജ്യങ്ങളിൽ ഇപ്പോഴും നിലവിലിരിക്കുന്ന നിയമങ്ങളും അനുസരിച്ചോ അല്ല ഇവിടെ ഒരു നിയമം പാസാക്കേണ്ടതു്. ഈ രാജ്യത്തെ സ്ഥിതിഗതികളും അനുസരിച്ചു് തൊഴിലാളികളുടെ രക്ഷയ്ക്കു് അത്യാവശ്യമായ മാർഗ്ഗങ്ങളെ പരിരക്ഷിക്കത്തക്കവണ്ണം ഒരു നിയമം പാസാക്കുന്നു എങ്കിൽ മാത്രമേ ഇവിടത്തെ തൊഴിലാളികൾക്കു് ബിൽകൊണ്ടു ഉദ്ദേശിക്കുന്ന ഗുണം ലഭിക്കയുള്ളൂ. വളരെ ദൂരെനിന്നും നടന്നുവന്നു് തൊഴിൽശാലകളിൽ ജോലി ചെയ്യുന്ന സ്ത്രീജനങ്ങൾക്കു് ആറുമണിക്കുതന്നെ ഫാക്ടറിയിൽ എത്തണമെങ്കിൽ അവർ അഞ്ചുമണിക്കു് വീട്ടിൽനിന്നു പുറപ്പെടേണ്ടതാണു്. ആ മണിക്കു വീട്ടിൽനിന്നും പുറപ്പെടണമെങ്കിൽ നാലു മണിക്കു മുമ്പെ എഴുന്നേറ്റു രാവിലത്തെ ദിനചര്യകൾ നടത്തണം. അതുപോലെ വൈകുന്നേരത്തു ആറുമണിക്കുശേഷം ഫാക്ടറിയിൽ നിന്നു പോയാൽ വേലക്കൂലിയും വാങ്ങിച്ചുകൊണ്ടു ബസ്സാറിൽ എത്തി ആഹാരസാധനങ്ങളും വാങ്ങി വീട്ടിൽ എത്തുമ്പോൾ എട്ടുമണി ആയിത്തീരുന്നതാണു്. സ്ത്രീജനങ്ങളെ സംബന്ധിച്ചിടത്തോളം അപകടവും ഭയങ്കരവുമായ ഒരു ഏർപ്പാടാണു ഇതു്.

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[Mr. P. K. Kunju.]

വരുടെ രക്ഷയ്ക്ക് അത്യാവശ്യമായ പരിരക്ഷകം വേണമെന്ന പറഞ്ഞപ്പോൾ സ്ത്രീജനങ്ങളോട് കരുണയില്ലാതെ എന്നെ ബഹുമാന്യസ്നേഹിതനായ നിയമാനുസ്മാരകൻ ശക്തിമത്തായ എതിരഭിപ്രായം പുറപ്പെടുവിച്ചു കാണുന്നു. അതിൽ ഖേദവും അത്ഭുതവും ഉണ്ട്. രാവിലെ തൊഴിൽശാലകം തുക്കുന്നതിനു സ്ത്രീജനങ്ങളം ആവശ്യമുണ്ടെന്നും അത് അനുമണിക്കുതന്നെ തുടുവാരണമെന്നും പറയുന്നു. ഇത്ര വിഷമമേറിയ കാര്യസംഗതി പുരുഷന്മാരേക്കൊണ്ടു ചെയ്യിക്കാൻ സാധിക്കുന്നവെങ്കിൽ അങ്ങനെ ചെയ്യുന്നതാണ് നല്ലത്. അല്ലാതെ അസമയത്ത് സ്ത്രീകളെക്കൊണ്ടു പാടിക്കുന്നത് അബലമാണ്. തൊഴിലാളിനിയമം ഉണ്ടാക്കുന്നതിന്റെ ഉദ്ദേശം വേലക്കാരുടെ രക്ഷയെക്കുടി കരുതിയാണെങ്കിൽ ഈ ഭേദഗതിയെ അനുകൂലിക്കാത്തവരായി ആരും കാണുകയില്ല. അതുകൊണ്ട് സ്ത്രീജനങ്ങളോട് അല്പമെങ്കിലും സ്നേഹമുള്ളവർ ഈ ഭേദഗതിയെ അനുകൂലിക്കുമെന്നു വിശ്വസിച്ചുകൊണ്ടു ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

MR. V. K VELAYUDHAN: I support the amendment. Sir, the Legal Remembrancer has been arguing in opposition to the amendment that, under ordinary circumstances, a woman worker need work only for eight hours and that the provision in the present clause only provides for those eight hours being conveniently distributed between 6 A. M., and 6 P. M every day. This argument does not stand to reason. I can understand the force of this argument if the choice of fixing the hours of work were given to the women workers themselves. Every member of this House may be well aware that in regulating the hours of work, the worker has no control. The worker has no hand at all in the matter of fixing the hours of work. This provision has been made not in the interest of the employer but it is intended for safeguarding the interests of the workers. As the choice of fixing the hours of work is given to the employers, I think this amendment has to be accepted in the interests of labour. It may so happen that a particular employer may fix the time for commencement of work in his foctory at 6 A. M. Let us take the case of a woman who has to attend the factory from a distance of 4 miles. It is quite natural she may have some children who are at school going age. It may not reasonably be expected that the children will wake up before 6 A. M. If such a woman worker has to attend factory precisely at 6 A. M. this House may imagine the hardship and inconvenience to which the household would be put.

MR. PUTHUPALLI S. KRISHNA PILLAI Is it the general case that all females attending factories live at a distance of 4 or 5 miles from the factory? Is it not a handful that live at a distance and who have to attend the factory at 6 o' clock?

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MR. V. K. VELAYUDHAN: When a time is fixed for the commencement of work it applies equally to all the workers whether they are near the factory or far away from the factory. Taking into consideration the real circumstances in our country I think most of the workers whether male or female, live in distant places. In Travancore, Alleppey is a commercial centre where there are the largest number of factories. I know the condition of workers existing there, there are women workers who come from a dista ce of 6 miles or so daily. Take the case of such workers. If the present provision in the Bill is accepted by this House as it stands it will cause great inconvenience particularly to women workers. Therefore I strongly support the amendment.

MR. P. KUNJUKRISHNAN: I have great pleasure in supporting this amendment. From what has been spoken here by the honourable members already it must have been clear to this House, that the amendment in question is absolutely necessary. It was argued against the amendment that it was a step taken farther than the provision of the original bill. In the original bill, the time fixed was from 5 A. M. to 7 P. M. It was said that it was revised by the Select Committee as from 6 A. M. to 6 P. M. Now this argues for itself the necessity for a change.

It was argued here that certain female labourers have to attend to certain kinds of work much earlier than the ordinary work commences. Now the time fixed for a male and female labourer is the same. I do not know how in the absence of a provision clearly made for this purpose, a female labourer can be asked to attend to a work which commences at a time earlier than 6 o'clock. A female worker can be given such work as may be conveniently attended to by her. There are certain kinds of work which can commence at 7 o'clock or even after that hour and which can be attended to by females. Females can be asked to attend to such work in particular. Some female workers come from a distance of 4 miles, from the suburbs of the town and they have to attend to work at 6 o'clock according to the bill. If a female resides 4 miles away from the factory she will have to start from her house at least an hour earlier namely at 5 o'clock. Similarly in order to reach home at 7 o'clock she has to leave the factory an hour earlier. If the amendment is adopted there will be no real hardship caused to the female worker. It will also protect her from risks and dangers. The only thing that I want to urge in this connection is that a female worker should not be put to unnecessary inconvenience and difficulty. Therefore I appeal to this House that in the interest of female labourers and in the interest of humanity this amendment be accepted by this House.

MR. T. C. KESAVA PILLAI: ഈ ഭേദഗതിയെ ഞാൻ ഹാർദ്ദമായി പിൻതാങ്ങുന്നു. തിരുവിതാംകൂർ പൊതുവെ ആലപ്പുഴ മുതലായ സ്ഥലങ്ങളെപ്പോലെ ഉള്ളതല്ല. കാടും മലയും കുന്നും കഴിയും മറ്റുമുള്ള പല പ്രദേശങ്ങളിലും റബ്ബർ ഫാക്ടറി മുതലായവ നടത്തുകയും

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[Mr. T. C. Kesava Pillai.]

അവയിൽ സ്ത്രീജനങ്ങൾ പോയി ജോലി ചെയ്യുവരികയും ചെയ്യുന്നുണ്ട്. നാലു മയിലിൽ കൂടുതൽ ദൂരസ്ഥലത്തു താമസിക്കുന്നവർക്ക് ആറു മണിക്ക് ഫാക്ടറിയിൽ വരണമെങ്കിൽ നാലുമണിക്കുതന്നെ തിരിച്ചാലേ സാധിക്കുകയുള്ളൂ. ചില മുഗങ്ങൾ സ്ത്രീകളെ തുക്കിക്കൊണ്ടു പോയേക്കും എന്നുള്ളതിനും സംശയമില്ല. അതുകൊണ്ട് ഈ സംഗതിയിൽ ഗവൺമെൻറുഭാഗത്തു നിന്നും ഇത്രമാത്രം ശാഠ്യം പിടിക്കേണ്ട ആവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല. ആളുകൾ ഉണ്ടെങ്കിലേ ഗവൺമെൻറും ഉള്ളൂ. ഈ ഭേദഗതി അനുസരിച്ച് വേണ്ട മാറ്റം ചെയ്യണമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഈ ഭേദഗതിയെ ഞാൻ ശക്തിയായി പിൻതാങ്ങുന്നു.

The amendment was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI : I demand a poll.

A poll was taken with the following results :

AYES—37.

1. Mr. P. C. Adichan
2. ,, M. L. D'Cruz
3. Srimati K. Devaki Antharjanam
4. Mr. Kannara Gopala Panickar
5. ,, C. Jebamony Nadar
6. ,, A. J. John
7. ,, N. John Joseph
8. ,, K. C. Karunakaran
9. ,, K. Kesavan
10. ,, M. Kesava Panickar
11. ,, T. C. Kesava Pillai
12. ,, Kaviyoor K. K. Kochukunju
13. ,, P. K. Kumaran
14. ,, P. K. Kunju
15. ,, P. Kunjukrishnan
16. ,, M. G. Matthew
17. ,, P. Nanoo
18. ,, N. Narayana Kurup
19. ,, K. Narayanaperumal Nadar
20. Mr. S. Narayana Pillai
21. ,, K. R. Narayanan
22. Srimati T. Narayani Amma
23. Mr. G. P. Nilakanta Pillai
24. ,, N. Ramakrishna Pillai
25. ,, Codiveettil C. Ramankunju
26. ,, P. J. Sebastian
27. ,, P. Sivaraman Pillai
28. ,, A. Thanu Pillai
29. ,, K. T. Thomas
30. ,, E. P. Varghese
31. ,, T. M. Varughese
32. ,, V. K. Velayudhan
33. ,, T. P. Velayudhan Pillai
34. ,, T. T. Kesavan Sastri
35. Srimati C. O. Ponnamma
36. Mr. P. Narayana Pillai
37. ,, Kainikkara M. Padmanabha Pilla

NOES—14.

1. Mr. V. Chandamiah
2. ,, E. E. Pandarathil
3. ,, D. Francis
4. Dr. C. R. Harler
5. Mr. C. O. Madhavan
6. ,, M. Govinda Pillai
7. ,, K. George
8. ,, K. J. Cheriyan
9. Mr. M. Ramachandra Rao
10. Dr. (Mrs.) Poonen Lukose
11. Mr. K. Madhava Kurup
12. ,, C. Kumara Das
13. ,, A. Gopala Menon
14. ,, Puthupalli S. Krishna Pilla

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NEUTRALS—4.

1. Mr. S. Chattanatha Karayalar	3. Mr. M. L. Janardana Pillai
2. ,, S. Krishna Aiyar	4 ,, M. Sivatanu Pillai

Clause 45 as amended do stand part of the Bill was then put to vote and carried.

Clause 45 was added to the Bill.

Clause 46 stand part of the bill was then put to vote and carried.

Clause 46 was added to the Bill.

Clause 47.

SRIMATI C. O. PONNAMMA: Sir I beg to move the following amendment:

"In clause 47, sub-clause (1), line 1, substitute the word 'fifty four' for the word 'sixty' and in line 2 substitute the word 'nine' for the word 'ten.'"

MR. P. KUNJUKRISHNAN: I second the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI: I oppose the amendment. It will be found that that is the provision intended for fixing the extra remuneration payable to a labourer when he works for any excess period which he is allowed to work in a factory. The normal period has been fixed at 48 hours per week. The daily period has been fixed at 10 hours. This provides that a worker in a factory who works for more than 60 hours in any week or where a worker in a factory other than a seasonal factory works for more than 10 hours in any day he shall be entitled in respect of the over time work to payment at the rate of one and a half times the ordinary rate of pay. According to sub clause 2 he is entitled to extra pay at the rate of $1\frac{1}{4}$ time his ordinary rate of pay for the rest. Any work carried on in excess of 60 hours will be calculated at the rate of one and a half times the ordinary rate of pay and the remaining portion at the rate of $1\frac{1}{4}$ times his ordinary rate of pay. The direct result of an alteration as proposed would bring about a rate of payment at one and half times the normal rate that such a labourer will get. It was said that this is a matter which directly affects the employer. If the employer finds that it is not possible for him to engage the services of a labourer for a period which is in excess of the maximum fixed under clause 34, he will not employ their services for any period in excess of the usual hour. By the acceptance of this amendment a worker who is able to earn an extra remuneration will be deprived of that. That will be the natural result. There must be the employer ready to pay. We will have to take into consideration the case of the pay master. He will be incurring extra cost in the case of work in excess of the time limits. It is the labourer and not the employer that stands to loss by this amendment. Therefore my submission is that this amendment will very seriously handicap the prospects of the labourer. After all this amendment is not moved on any principle nor has any argument been advanced in favour of it. I have already submitted my argument against

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[Mr. Puthupalli S. Krishna Pillai.]

any radical change with regard to the provisions contained in the Bill as reported by the Select Committee. It will affect the industry and the labourer. If the conditions prevailing in Travancore and those outside are not similar, the honourable members can imagine how the industries in the State will be affected by this amendment. Therefore, Sir, on a small point like this I request honourable members not to put up a fight and create situations which it may not be possible either for the labour or the Government to avoid.

MR. K. T THOMAS: As the Legal Remembrancer has expressed the wish that this motion being about a small matter should not be pressed to a division, the easiest thing to avoid such a situation, in my opinion, would be for the Government to accept the amendment proposed. It does not appear to me that it is as small as the Legal Remembrancer would try to make it appear. Under Section 34 the hours of work has been reduced by this House to 48 a week. Spreading it over for six days in the week it comes to 8 hours a day. The question is under what conditions should the labourer work and what average should be paid for the extra period. Certainly the decision arrived at by this House will affect the labourer and the employer. Therefore it is with a sense of responsibility and quite alive to the situation of the labourer and the employer that I support the amendment before the House. The idea appears to be that there should be a margin of 12 hours out of which the first 6 hours may be paid at one and a quarter and the other 6 hours at one and a half times the usual rate. That means the working hours for a day may be eight hours. The margin required will be 12 hours for .....

MR. PUTHUPALLI S. KRISHNA PILLAI: May I draw the attention of the honourable member to the second paragraph of clause 47. "... or where a worker in a factory other than a seasonal factory works for more than ten hours in any day." If he works for 11 hours a day that extra one hour will be paid at the rate of one and a half times and the margin of 8 and 10 hours will be paid at one and a quarter times the usual rate.

MR. K. T. THOMAS: I still maintain that the margin for overtime work even on increased wage should be reduced as far as possible. After all we are considering the question of manual labour exacted from persons engaged in it. If the employer wants the pleasure of the cruelty of keeping a labourer in the factory after the 8 hours work under the conditions prevailing in this country, certainly he must pay and pay at a high rate. That is what I have to bring to the notice of the House. The standard which was fixed at 54 hour rule has been reduced to 48 hour. So the margin of over time work has also to be reduced. It is the 48 hour week that the legislature has passed and it is now argued that there should be an option to the employer to extend it to 60. Therefore on mature consideration I appeal to the House to accept the amendment and put it at 54 instead of 60.

The amendment was put to vote and lost.

MR. P. K. KUNJU: I demand a poll.

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A poll was taken and the House divided as follows :

AYES—22.

1	Mr. Kannara Gopala Panickar	12	Mr. K. R. Narayanan
2	,, C. Jebamony Nadar	13	,, G. P. Nilakanta Pillai
3	,, A. J. John	14	,, S. Nilakanta Pillai
4	,, K. Kesavan	15	Srimati C. O. Ponnamma
5	,, P. K. Kumaran	16	Mr P. J. Sebastian
6	,, Sahib Bahadur P. K. Kunju	17	,, A Thanu Pillai
7	,, P. Kunjukrishnan	18	,, K. T. Thomas
8	,, M. G. Mathew	19	,, T. M. Varughese
9	,, P. Nanoo	20	,, V. K. Velayudhan
10	,, N. Narayana Kurup	21	,, N. Velu Achary
11	,, K. Narayanaperumal Nadar	22	,, P. Vivekanandam

NOES—29.

1	Mr. P. C. Adichan	17	Dr. (Mrs.) Poonen Lukose
2	Sahib Bahadur V. Chandamiah	18	Mr. Puthupalli S. Krishna Pillai
3	Mr. K. J. Cherian	19	,, C. Kumara Das
4	,, M. L. D'Cruz	20	,, K. Madhava Kurup
5	Srimati K. Devaki Antharjanam	21	,, C. O. Madhavan
6	Mr. E. E. Pandarathil	22	,, P. Narayana Pillai
7	,, K. George	23	,, R. Narayanan Namboori
8	,, A. Gopala Menon	24	Srimathi T. Narayani Amma
9	,, M. Govinda Pillai	25	M. Kainikara M. Padmanabha Pillai
10	Dr. C. R. Harler	26	,, Codiveetil C. Ramankunju
11	Mr. M. L. Janardana Pillai	27	,, N. Ramachandra Rao
12	,, N. John Joseph	28	,, M. Sivathanu Pillai
13	,, K. C. Karunakaran	29	,, Puliyoor T. P. Velayudhan Pillai
14	,, T. C. Kesava Pillai		
15	,, T. T. Kesavan Sastri		
16	,, S. Krishna Aiyar		

NEUTRALS—5.

1	Mr. M. Kesava Panickar	4	Mr. M. Ramiah Pillai
2	,, Kaviyoor K. K. Kochukunju	5	,, E. P. Varghese
3	,, P. V. Mathai Chemparathy		

The motion was declared lost.

Clauses 47 to 53.

The question that clauses 47 to 53 do form part of Bill was put and carried.

The clauses were added to the Bill.

Clause 54.

MR. K. KESAVAN: Sir, I move that—

'In clause 54, sub-clause (3) proviso in line 3, substitute the words 'ten hours between 7 A. M and 5 P. M.' for the words 'thirteen hours between 5 A. M. and 7·30 P. M.'

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MR. C. JABAMONI NADAR : I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, in regard to the females an amendment has been carried by this House that her working hours shall be between 7 A. M. and 5 P. M. It only stands to reason that the children should also have the same privilege. So long as the House has expressed the other opinion I do not propose to oppose this amendment. So, in order to be consistent with the majority of the opinion expressed in this House I do not strenuously oppose the amendment; but at the same time I may record the opinion as Member in charge of the Bill that it is not correct.

The Amendment was put to the vote of the House and carried.

MR. K. KESAVAN : Sir, I beg to move that in Clause 54, sub-clause (3), the words "8 A. M. and 4 P. M." may be substituted for the words "6 A. M. and 7 P. M."

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I rise to a point of order. Is there any scope for moving amendments after an identical amendment has been accepted ?

The question whether Clause 54 as amended stands part of the Bill was then put to the vote of the House and carried. Clause 54 was added on to the Bill.

The question whether Clauses 55 to 58 stand part of the Bill was then put to the vote of the House and carried. Clauses 55 to 58 were added on to the Bill.

Clause 59.

SRIMATI C. O PONNAMMA : Sir, I beg to move that after Clause 59, the following may be added as Clause 60 and re-numbered.

"60. The Medical fee for obtaining the certificate referred to in Clause 59 sub-clause (*a*) shall be paid by the Manager."

Sir, the Bill as it stands makes no provision as to who is to pay the fee for obtaining medical certificate. According to Section 51 which says that "no child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(*a*) a certificate of fitness granted to him under Section 52 is in the custody of the manager of the factory ; and

(*b*) he carried while he is at work a token giving a reference to such certificate."

This Clause in my opinion disables children from getting work easily. Generally children of poor parents and very often orphans come to factories for employment and if this provision is not included they may not be able to get admission as they are not in a position to afford to pay for the medical certificates. Then again child labour is considered to be cheaper by factory owners and the fee for medical certificates will not be an additional burden on an employer if he is to pay it.

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MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Is it before or after the child is employed in any factory that he has to produce a medical certificate?

SRIMATI C. O. PONNAMMA: If the children who are employed in any factory do not possess a medical certificate, the employer will have to incur the penalty.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Is the Manager of a factory responsible for paying the fee for a medical certificate of a child before he is employed in his factory?

SRIMATI C. O. PONNAMMA: All factory owners have to pay for the medical certificate.

MR. P. NARAYANA PILLAI (*Mavelikara cum Kunnathur*): (*Stood up*)

SRIMATI C. O. PONNAMMA: I do not hear Sir. (*Laughter.*)

MR. P. NARAYANA PILLAI: Is not medical certificates issued free from Government Hospitals?

SRIMATI C. O. PONNAMMA: Section 59 of the bill says as follows

"Our Government may make rules—

(a) prescribing the forms of certificates of fitness to be granted under Section 52, providing for the grant of duplicates in the event of loss of the original certificates and fixing the fees which may be charged for such certificates and such duplicates;

(b) prescribing the physical standards to be attained by children and adolescents;

(c) regulating the procedure of certifying surgeons under this chapter and specifying other duties which they may be required to perform in connection with the employment of children and adolescents in factories; and

(d) providing for any other matter which may be expedient in order to give effect to the provisions of this chapter."

From this, it would be clear that there is no scope for the question which the hon'ble member has put. (*Laughter.*) With these words I move the amendment for the consideration of the House.

MR. K. R. NARAYANAN: I second it.

MR. M. L. JANARDHANA PILLAI: Sir, I oppose the amendment. It seems to be very unfortunate that no attempt seems to have been made to consider the other side of the problem. Every factory owner employs child labour, adolescent labour and adult labour. Even if a child labourer is put to the necessity of possessing a certificate himself at his own cost in case he does not possess one, according to this amendment the factory manager can be prosecuted. Therefore it follows that if the certificate has to be provided at all the manager has to get it not only for child labourer but also for the adolescent and the adult labourer. I request the House to consider what the cost would be if the certificate is to be paid for by the factory manager. A firm like Darrah Smail & Co., employ 5 to 6 thousand people. There are 23 factories in the town of Alleppey and there are factories in Quilon and other places. If the factory owners are to meet this expenditure for obtaining medical certificates out of their own funds that will come to a very big figure.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. M. L. Janardhana Pillai.]

Not only that, the result will be that they will insist upon labour to produce its own certificate before they can be employed for work in the factory. If they do not produce certificates they won't get work. The ultimate result will be that labour will suffer.

I can understand the question put by Mr. Narayana Pillai that the Government may be asked to make their own medical institutions issue such certificates free of cost. If that is done probably it may remove the difficulty envisaged by the mover of the amendment. I cannot understand why the factory owner should be made responsible for this. He has to provide capital for the industry, find out necessary accommodations and conveniences for the women and children who work in these factories and provide funds for starting various industrial enterprises. So this additional expenditure for obtaining medical certificates should not be thrust upon the factory owner.

Another question was dealt with by the mover of the amendment stating that the parents of the children are generally poor and so they are not able to incur expenditure of this kind. Sir, it is not the question of the children alone. As I referred to earlier children, adolescents and adults or for that matter everybody who is working in a factory will have to produce medical certificates. The factory owner will not be able to incur large expenditure by way of payment of fees for medical certificates. For instance if a factory owner employs 15,000 labourers he has to incur an expenditure of seven or eight thousand rupees even at the rate of 8 as. for each certificate. Ultimately it will strangle the industry for no reason other than that the factory owner is by this obligation penalised for having a factory in that district. The legislation that is now existing in British India does not contemplate such a provision at all. And the proceedings that have been going on in this House will show that legislation is being attempted here in a much more drastic manner than in British India. If we are to accept this amendment, the result will be a possible ruin of all the present industries and prevention of the starting of new industries in this country.

I trust this aspect will receive the kind consideration of this House. I think they will seriously consider whether it will be possible for any big factory owner to pay for the cost of all certificates and, at the same time. run the factory. If this sort of legislation is going to be enacted I repeat that the result will be, as the Legal Remembrancer observed, that the industrialists will find it exceedingly difficult to establish their industries and advance the industrial prosperity of the country. In spite of the rosy picture that is drawn before us, in spite of the possibility of cheap power that we are expecting to have very soon if legislation is to be carried on these lines, the result will be that industrialists would be afraid of starting new ventures. The existing ones will be finding it very difficult to carry on their industries. I, therefore, request that this aspect will receive careful consideration. If the Government are

LIBRARY ARCHIVES Kerala Legislative Assembly

going to pay the medical fees nobody will be objecting that. To expect a factory owner to pay for the certificates for all the people employed there, will be imposing a very heavy financial strain upon the factory owners.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the amendment. It would appear that for every child who seeks labour, over and above the child's parent, a third party would also be responsible. The child goes into the factory for the purpose of earning its wages. There is no compulsion exercised by the employer upon any child living in the State. He who seeks employment will have to comply with all the requirements of law and it cannot be said that the third party who has only something to do with it and that only after entertainment of the boy, should pay something in anticipation. The rule making power conferred on Government regarding the prescription of the fees may also be exercised in favour of the medical examiner or the certifying surgeon. It may be that he will have to go on from morning to evening examining all children that come in and not get any fee for examination. It may be that after examination of a dozen children he finds only one who is eligible. Is the Medical Officer bound to realise the fee only for the child that he recognises as eligible for work? What about the thorough examination that he conducts with regard to the children that he does not certify? Who is to pay him for these children? The proposal now made would make it obligatory on the employer to pay the Surgeon's bill every morning. This will open a way for exploitation. The Doctor who has no work might send for a dozen children every morning and examine them. Even though they are found unfit, he sends the bill to the employer and collects the money. It may be that childeren who do not want employment may go to the Doctor, get a certificate of unfitness or fitness and make the employer pay without at the same time, going to the factory and attending to work. Is there any provision to compel the child to attend the factory after the Surgeon is paid? If I pay for your child am I not expected to get something in return. Now, it need not be confined to the labour class: it may be availed of as a matter for exploitation. This is the case with other children. The employers will have only to pay for other peoples' children and not get anything in return. Sir, such a contingency, I cannot invite. More than this I do not want to say on this motion. If you want employment, you must get yourself qualified for it. If it were so enacted that every boy born in the State should be educated by some body who is suspected to have money will it be possible for any of us to live. It will be something like this. Those who seek employment must come properly equipped with qualifications. You cannot expect the employer to pay for a certificate issued by the Surgeon.

SRIMATHY C. O. PONNAMMA: Sir, in view of the answer given by the Legal Remembrancer, I withdraw the amendment.

The question that clauses 59 to 62 stand part of the Bill was put to vote and carried.

Clauses 59 to 62 were added to the Bill.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. KESAVAN: Sir, I move—

"In clause 63, line 1, insert the words "a non-official in the exercise of any power under sub-section (8) and (9) of section 10, or" after the words "whoever wilfully obstructs" and before the wrods "an Inspector."

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the amendment is not in order. The House has already recorded an opinion that non-officials cannot be recommended.

MR. M. L. JANARDHANA PILLAI: Sir, I move—

"In Clause 63, after the words "from appearing before or being examined by an Inspector," add "shall be served with a notice calling for his explanation and if no explanation is forthcoming within 7 days from the date of the service of the notice or if the explanation is found to be unsatisfactory."

Before trying to explain my view point, I would request permission to read the clause as it stands.

"Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Regulation or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be served with a notice calling for his explanation and if no explanation is forthcoming within 7 days from the date of the service of the notice or if the explanation is found to be unsatisfactory."

That is the amendment which I propose to move. I don't think, Sir, that any explanation is needed. All that is requested is that the Manager should be given an opportunity to give an explanation. If the explanation is not forthcoming he may be punished. I think it is only fair to ask for such a consideration at the hands of Government. I, therefore, move the amendment for the acceptance of the House.

MR. K. C. KARUNAKARAN: Sir, I second the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the amendment. It is inconsistent with what already exists in the clause. The learned member moved that in the event of any of these contingencies happening before a Prosecution is launched, the employer should be given 7 days time to submit an explanation. Now what are the contingencies. "Who ever *wilfully obstructs* an Inspector in the exercise of any power under section 11," etc. What is the power given under Section 11. "An Inspector may..... enter with such assistants (if any), being persons in the employment of Our Government or of any Municipal or other public authority, as he thinks fit, any place which is, or which he has reason to believe to be, used as factory or capable of being declared to be a factory under the provisions of Section 5" etc. If in the exercise of that power an Inspector enters, what is the prosecution that can be launched? What is it that will make it an offence? Wilful obstruction. Is there a better opportunity for offering the explanation than when an Inspector is obstructed? Is it necessary to

LIBRARY ARCHIVES Kerala Legislative Assembly

wait for seven days to issue a formal notice to him. He is obstructed under his very nose. When I come to enter, I am wilfully obstructed and what is the explanation that can be given if it comes 7 days after. If there is any explanation it must come at the spot. You can ask him to wait for half an hour. If he does not wait, there is no explanation; but that explanation is given to him in his very presence.

MR. M. L. JANARDHANA PILLAI: Are failure to produce registered documents wilful obstruction?

MR. PUTHUPALLI S. KRISHNA PILLAI: There are three conditions. The amendment applies to all these three conditions. If a record is called for and it is not produced, it may be that, he will have some explanations to offer. It may be that the employer required time to make some entries, or it may be that at the time of the demand to produce the records, he was taken suddenly ill. The Inspector may believe that and an opportunity may be claimed on this account, but not for any other. The privilege that in every case, if an employer is to be charged under Section 63, he must be given seven days notice, is one which cannot be granted, simply because he is an employer. In any case, the first contingency is inconsistent with the demand now made. Let us now deal with the second.

MR. A. THANU PILLAI: May I know whether the term "Wilfully", does not modify the terms "fails, or cancels"?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes, I am coming to that. The obstruction can be only in his presence and if it is an explanation, it must be available then and there.

The second contingency is with regard to the registers. The Inspector comes to the factory. He calls upon the owner to produce the document.

It must be produced then and there. Otherwise the Inspector is entitled to come to the conclusion that such a register does not exist. The efficacy of the factory law consists in that it is capable of being enforced. It must be such that it could be regorously enforced. No pretexts, no pleas shall be ordinarily or easily available. The Inspector goes in and wants to look at the register of children. What prevents the employer from producing it then and there? Why should he ask for seven days' time and say that he was suffering from head-ache when asked? It is sheer waste of time. The Inspector must be in a position to launch the prosecution immediately. So also in regard to the third point. "conceals or prevents any worker in a factory from appearing before or being examined by an Inspector", What is the explanation that can be given by the employer for this? Suppose, when the Inspector comes in a child worker below the age of 12 who has been employed is being concealed. The Inspector prosecutes him. Why should the employer be given a chance to explain why he concealed the child worker? Is such an explanation justifiable? Therefore, Sir, this amendment is out of place and cannot be supported.

MR. M. L. JANARDHANA PILLAI: I beg to withdraw the amendment.

The amendment was by leave of the House withdrawn.

LIBRARY ARCHIVES Kerala Legislative Assembly

The question that clause 63 stand part of the Bill was put and carried and the clause was added to the Bill.

Clauses 64 to 70.

The question that clauses 64 to 70 stand part of the Bill was put and carried and the clauses were added to the Bill.

Clause 71.

The question that clause 71 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clauses 72 and 73.

The question that clauses 72 and 73 do stand part of the Bill was put and carried and the clauses were added to the Bill.

Clause 74.

The question that clause 74 do stand part of the Bill was put and carried and the clause was added to the Bill.

Clauses 75 to 80.

The question that clauses 75 to 80 do stand part of the Bill was put and carried and the clauses were added to the Bill.

Clause 81.

MR. C. JEBAMONY NADAR: I move that—in Clause 81, line 1, add the words "V of 1089" between the words "Regulation" and "is".

With the amendment the clause would read that the Travancore Factories Regulation V of 1089 is hereby repealed. As the clause in the Bill stands at present I would interpret it in this way, that this Bill as soon as it receives royal assent and becomes a Regulation would stand repealed, because it says that "The Travancore Factories Regulation is hereby repealed".

In other words, as soon as this Bill becomes law it would stand repealed. Thus all our labours will be in vain. It may also happen that when a case arises under this Regulation, the accused might raise the contention that there is no Regulation in force under which he can be prosecuted and he could very well rely on this clause. It is not for the judge to go into the intentions of the Legislature but to interpret the law as it stands. Lest there should be such difficulties I am moving the amendment.

MR. K. NARAYANAPERUMAL NADAR: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: There is no objection in accepting the amendment.

The amendment was put to vote and declared carried.

The question that Clause 81, as amended, do stand part of the Bill was put and carried and the clause was added to the Bill.

Preamble.

The question that the Preamble do stand part of the Bill was put and carried and the Preamble was added to the Bill.

Title.

The question that the Title do stand part of the Bill was put and carried and the Title was added to the Bill.

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